SINGLE BENCH

(1)

C.F 100/— (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 2704 /2005

PETITIONER

Manohar Shrivas, Age- 48 years S/o. Shri Narayan Shrivas, R/o. Rajatalab, Raipur, (C.G.)

P.R. No. 2760/05
Presented by Shri A.R. Shrivastava
dated 21/6/05

VERSUS

RESPONDENTS

1. Regional Transport Authority, Chhattisgarh at Raipur.

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21/06/05
CHHATTISGARH, BILASPUR

2. Pawan Kumar Yadav, S/o. Ram Kumar Yadav, R/o.410 Sundar Nagar, Raipur (C.G.)

3. State of Chhattisgarh, Through the Secretary, Transport Department, D.K.S Bhawan Raipur.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 2704/05 ..... **सन् 200**

(3)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06.10.2005

Shri B.K. Rawat, counsel for the petitioner.

Shri R.R. Sinha, Panel Lawyer for respondent Nos.1 & 3.

Shri Santosh Yadu, counsel for respondent No.2.

Heard.

The petitioner has preferred this writ petition under Article 226 of the Constitution of India questioning the legality, propriety and correctness of the order dated 30.3.2005 passed by the Regional Transport Authority, Raipur whereby a regular stage carriage permit has been granted to respondent No.2.

The main grievance of the petitioner herein is that the time of permit granted in favour of respondent No.2 is two minutes ahead of the petitioner's permit i.e. petitioner's permit departure timing from Durg is 11.35 a.m., whereas the departure timing of respondent No.2's permit from Durg is 11.33 a.m. and objection was also raised in respect of this fact, but the R.T.A. without assigning any reason and without applying the mind passed the order regarding grant of permit in favour of respondent No.2.

Argument advanced by learned counsel for the petitioner cannot be said to be without any substance, when the permit was being granted with such a narrow gap of timing between two permits then R.T.A. was required to assign reasons as to why the permit is

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200 92

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

being granted with such a short interval, as the fixing of time schedule is always in the interest of traveling public in relation to the entire route between two termini and timings are given to facilitate the travellers, but the RTA has not mentioned in the impugned order that whether looking to number of passengers, for their convenience the permit is being granted with such a short interval.

It is therefore, necessary that the RTA should consider the matter again and pass the order after hearing both the parties. Accordingly, the order impugned dated 30.3.2005 passed by the R.T.A., Raipur is quashed and the matter is remitted back to the RTA to pass order after hearing both the parties and assign reasons for the time scheduled fixed by the RTA. However, it is made clear that the permit granted to respondent No.2 shall continue till the disposal of the application of respondent No.2 regarding grant of permit.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2236/05 & I.A. No.5382/05 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

SP/FS/2005 - 20,000

20.10.05 10.1.06 18.8.06